UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,247	12/27/2001	Christopher G. Ramsayer	7000-084	5600

27820   7590   04/28/2005

WITHROW & TERRANOVA, P.L.L.C.
P.O. BOX 1287
CARY, NC 27512

EXAMINER
CHUNG, JI YONG DAVID

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/036,247	RAMSAYER ET AL.
	Examiner	Art Unit	
	Ji-Yong D. Chung	2143	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 March 2005_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-39_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-39_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _3/22/2005_.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   **Claims 1-3, 5, 6, 11, 14-16, 18, 19, 24, 27-29, 31, 32, and 37** are rejected under 35

U.S.C. 102(e) as being anticipated by Gudjonsson et al (Gud hereinafter).

With regard to **claim 1**, Gud shows a system comprising:

a) an interface facilitating communications [An interface is inherent in servers connected

to a network, as shown in Fig. 11]; and

b) a control system associated with the interface and adapted to [Routing service (see

lines 27-54, column 22), stream connector, and locator (see from lines 61, column 19 to line 3,

column 20) are "a control system."];

> *i) register a plurality of devices that are in a user domain and associated with a*
>
> *user, each of the plurality of devices having a media capability* [Users can create
>
> (or "register") devices as needed in the profile to use for a conversational
>
> endpoint. See from line 61, column 32 to line 13, column 33]; and *ii) for an*

incoming call intended for the user [For the call, see "message" in lines 27-54,

column 22];

> *A) receive a session message on behalf of the user initiating the incoming*
>
> *call and identifying a first requested media capability to facilitate a media*
>
> *session for the incoming call* [See lines 35-39, column 22 for Routing
>
> service of the recipient. See lines 13-31, column 23, for the description of
>
> the routing logic. Finally, see from line 56, column 24 to line 5 column 25
>
> for how routing logic operates for "identifying a first requested media
>
> capability". RS's INVITATION ("incoming call") is routed to the second
>
> client, which can either refuse or accept];
>
> *B) select a first of the plurality of devices based on the first requested*
>
> *media capability* [The device is selected when the second client accepts
>
> the invitation. See from line 47, column 24 to line 5, column 25.]; and
>
> *C) communicate with the first of the plurality of devices to establish the*
>
> *media session having the first requested media capability for the incoming*
>
> *call* [See lines 35 to 42, column 25 for the description of the creation of
>
> session].

With regard to **claim 2**, Gud shows that the control system is further adapted to:

a) determine that a second requested second media session having a second requested

media capability has been requested for the incoming call [See from line 56, column 24 to line 5,

column 25. After sending the messages to the second user's mobile phone, RS decides to send a

message to the user's online client, which would start the second media session by the

acceptance of the invitation];

    b) select a second of the plurality of devices based on the second requested media

capability [RS would have many destination points. The ones (e.g., PC client) that are capable

of accepting the invitation are determined by the routing logic. See from line 56, column 24 to

line 5, column 25]; and

    c) communicate with the second of the plurality of devices to establish the second media

session having the second requested media capability for the incoming call [Actual transmission

of data takes place. See from line 56, column 24 to line 5, column 25 for description of session].

    With reference to **claim 3**, Gud shows *that the session message initiating the incoming*

call identifies the second media session and the second requested media capability [See line 56,

column 24 to line 5, column 25] *and the control system is further adapted to determine that the*

second media session having the second requested media capability has been requested for the

incoming call based on the session message [The routing logic determines the destination partly

based on message types ("session message"). See Table 3 in columns 23-24. See lines 51-57,

column 23].

    With reference to **claim 5**, Gud shows that *the control system is further adapted to*

receive a second session message associated with the incoming call and identifying the second

media session to determine that the second media session having the second requested media

capability has been requested for the incoming call. See line 56, column 24 to line 5, column 25.

Routing logic causes RS to forward the INVITE message to the user's online client (after

forwarding INVITE message as an SMS message to the second user's mobile phone. Acceptance

or decline of the invitation determines the end device capability and allows the transmitting user

to accept the second media session message. Upon acceptance, a new session would be open.

(The first session would be made to the second user's mobile phone upon acceptance of the

INVITE (first session message)).

With reference to **claim 6**, Gud shows that the control system is further adapted to:

a) receive a session message initiating the outgoing call from one of the plurality of

devices [See lines 47-50, column 24. RS receives INVITE messages from the user's client]; and

b) send a message corresponding to the session message to establish the media session

for the outgoing call on behalf the user [See lines 52-55, column 24. RS of the first user sends a

message to the RS of the second user].

With reference to **claim 11**, Gud shows that the control system is further adapted to:

a) provide a profile defining at least one combination of the plurality of devices to select

for a call based on combinations of media capabilities requested for the call [See definition of

profile on lines 28-31, column 7. See lines 12-31, column 23 for the description of how routing

logic uses profile (as identification of endpoints). The profile allows the routing logic to select

devices based on "capability."]; and

b) select the at least one combination of devices for the call [Routing logic selects devise

partially based on the user profile upon RS receiving a message].

Claims 14-16, 18, 19, 24, 27-29, 31, 32, and 37 incorporate all the limitations of claims

1-3, 5, 6, and 11, but in computer product form and in method form, rather than in apparatus

form. The reasons for the rejections of claims 1-3, 5, 6, and 11 apply to claims 14-16, 18, 19, 24,

27-29, 31, 32, and 37. Therefore, claims 14-16, 18, 19, 24, 27-29, 31, 32, and 37 are rejected for

substantially the same reasons.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4. **Claims 4, 7-10, 12, 17, 20-23, 25, 30, 33-36, and 38** are ejected under 35 U.S.C. 103(a)

as being unpatentable over Gud in view of Kimchi et al (Kimchi hereinafter).

With reference to **claim 4**, Gud shows *that the session message initiating the incoming*

call identifies the second media session and the second requested media capability [See from

line 56, column 24 to line 5, column 25.] and *the control system is further adapted to receive a*

session message initiating the second media session from the second of the plurality of media

devices *to determine that the second media session having the second requested media capability*

has been requested for the incoming call [RS receives INVITE message and runs the routing

logic to determine if INVITE message should be sent to second user's online client and sends it to determine if a session can be established].

Gud does not show that the second of the plurality of media devices has initiated the second session.

Kimchi shows that a session that was started by Kimchi's virtual device (comprising more than one physical device) would include a second device to start the corresponding session between the physical devices of the communication endpoints by using proper protocol supported by each device. For example, see near the end of paragraph 0072, where multiple physical devices are used to form a virtual VoIP videophone. Also, Kimchi shows, in paragraph 0042, that a virtual device comprises many physical devices.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use virtual device of Kimchi to replace Gup's device handlers and related dependencies. In the configuration, the second media session would be made between the proper devices of the plurality of devices between two endpoints.

The motivation for the using Kimchi's concept of managing physical devices in Gud's system is that Kimchi system's ability to combine (via software) physical devices gives the combination a communication ability that is not afforded by individual devices alone. For example, a video input device and phone allows one to use a virtual videophone.

With reference to **claim 7**, Gud does not shows that the control system is further adapted to:

a) determine that a second media session having a second requested media capability has

been requested for the outgoing call; and

b) communicate with a second of the plurality of devices to establish the second media

session having the second requested media capability for the outgoing call.

Kimchi's invention, however, bundles many physical devices in one. See its Abstract.

Any session of the virtual device for the outgoing call would require determining and selecting

the second physical member of the virtual device and using it to open a communication session.

With reference to **claim 8**, Gup does not *show that the control system is further adapted*

to select the second of the plurality of devices based on the second requested media capability.

Kimchi shows virtual devices. See the Abstract. Selection of a virtual device, in the

proposed combination, based on a Gup's routing logic would select the second device based on

message type and the virtual device's ability to handle the message type.

With reference to **claim 9**, Gup does not show *that the control system is further adapted*

to represent each of the plurality of devices in the user domain as a single device having a

plurality of media capabilities to devices outside of the user domain.

Kimchi shows the feature in paragraph 0044. The terminal server acts as a "proxy" for

the virtual device comprising individual physical devices.

With reference to **claim 10**, Gup does not show that *the control system is further adapted*

to provide a single address for each of the plurality of devices in the user domain.

Kimchi shows the feature in paragraph 0042. The terminal device is a plurality of devices and is bound to a single transport address.

With reference to **claim 12**, Gup shows all of its limitation, except for "at least other device." Gup does not show the claimed feature.

Kimchi, however, shows the claimed feature. More specifically, Kimchi shows a terminal device, which is comprised of multiple physical devices (See the Abstract). If a physical device (in the proposed combination of Kimchi and Gup) that is part of the terminal device (comprised of multiple physical devices) is selected by Routing Service, other physical devices that comprise the terminal device would be selected as well.

The control system of claim 12 is deemed to include the device handler (as modified by the combination of Kimchi and Gup), which aggregates the multiple devices as a single terminal device.

Claims 17, 20-23, 25, 30, 33-36, and 38 incorporate all the limitations of claims 4, 7-10, and 12, but in computer product form and in method form, rather than in apparatus form. The reasons for the rejections of claims 4, 7-10, and 12 apply to claims 17, 20-23, 25, 30, 33-36, and 38. Therefore, claims 17, 20-23, 25, 30, 33-36, and 38 are rejected for substantially the same reasons.

5.   **Claim 13, 26, and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gud.

With reference to **claim 13**, Gup does not directly show the claimed features.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to meet the limitations, for the reasons below.

Gup shows that in lines 21-42, column 25 that chat sessions maybe directed by RS.

A chat session is held via chat clients generally running on PC's or workstations. Furthermore, a chat client user may send and receive sequence of chat invitations.

However, many such sequence of reception and transmission of invitations are obvious as the only possible sequences of sessions. For example, a user that has received a chat invitation may or may not send another invitation with the third party. As the only two possible outcomes, both events are obvious.

Gup's invention, as applied to the specific and obvious event of having a second user that has received a chat invitation from the first user and then sends a chat request to the third user (via the second user's RS and routing logic) meets the limitations. In such case, each of claim 13's limitation is met by the specific sequence of chat invitations and sessions, as discussed below:

a) determine that a second media session having a second requested media capability has been requested for the incoming call [Upon sending an INVITE message via its RS to the third user who accepts the chat invitation, the second user would receive an ACCEPT message, which would cause the second user's routing logic to seek another client of the second user as the output device];

b) select the first of the plurality of devices based on the second requested media capability [the routing logic would select the PC (which is the first device of the second user];

c) communicate with the first of the plurality of devices to establish the second media session having the second requested media capability for the incoming call. RS would open up the second session, between the second and the third user. The second user's PC, which is the "first of the plurality of devices" that belong to the second user and is in communication session with the first user, is selected.

Claims 26 and 39 incorporate all the limitations of claim 13, but in computer product form and in method form, rather than in apparatus form. The reasons for the rejections of claim 13 apply to claims 26 and 39. Therefore, claims 26 and 39 are rejected for substantially the same reasons.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ji-Yong D. Chung whose telephone number is (571) 272-7988. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

<div style="text-align:right">

Ji-Yong D. Chung
Patent Examiner
Art Unit: 2143

</div>

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100